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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,513	12/14/2001	Maynard Grimm	MGJW-B01-Prv	8238
7590	03/29/2004		EXAMINER	
J. Carl Cooper Pixel Instruments Corp. 110 Knowles Drive Los Gatos, CA 95032-1828			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	
DATE MAILED: 03/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/017,513	GRIMM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura A Grier	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

*Specification*

1. The abstract of the disclosure is objected to because line 6, recites, “Vidual”, the suggested spelling is “Visual”. Correction is required. See MPEP § 608.01(b).
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 1, lines 8-9, recites, “and/or”. The specification indicates the alternate language.

There is insufficient antecedent basis for this limitation.

Claim 2, line 2, recites, “and/or”, the specification teaches the parameters being established in an alternative manner by a manufacture or an operator. Line 3, recites, “and/or”. The specification indicates the alternate language. There is insufficient antecedent basis for this limitation.

Claim 5, line 2, recites, “and/or”, the specification teaches the parameters being established in an alternative manner by a manufacture or an operator. Line 3, recites, “and/or”. The specification indicates the alternate language. There is insufficient antecedent basis for this limitation.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. ***Claims 1-6*** are rejected under 35 U.S.C. 102(b) as being anticipated by Eggers et al., U.S. Patent No. 5910996.

Regarding **claim 1**, Eggers et al. (herein, Eggers) discloses a dual audio program system (figures 1-4). Eggers' system discloses a plurality of audio devices coupled to a plurality of audio input jacks (32a-32e, col. 5, lines 21-30), which reads on a plurality of audio signal inputs; select buttons (18a or 18b, col. 4, lines 42-44), which reads on a selector for selecting the audio signal which may be present at one of the said inputs; a multiplexer (41, col. 5, lines 45-55), which reads on a signal processing section responsive to process said selected signal to provided a processed signal; a plurality of amplifiers (52, 53 and 55) coupled to speakers (40), which reads on a plurality of output circuits each responsive to said processed signal to output said processed signal in a known form; the audio system comprises display means (figures 1 and 2, col. 3, lines 61-67 and col. 4, lines 34-41) for displaying the selected signal and changes made therein and speakers (40) are provided for indicating the audible changes, which reads on a monitor circuit responsive to the selected signal and said processed signal to provide audible or visible monitoring thereof.

Regarding **claim 2**, Eggers discloses everything claimed as applied above (see claim 1). Eggers inherently disclose using parameters established by a manufacture or operator as

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evidence of the volume levels being preselected volumes (col. 1, lines 5-8) of devices that may be used in an automobile or television, wherein normally initial sound level have already been set to satisfy the criteria of the device, and wherein depending upon the set level of 1<sup>st</sup> selected device, the 2<sup>nd</sup> selected audio device will prompt to output a different level (col. 5, lines 56-67 and col. 6, lines 1-3), which reads on parameters established in manufacture or by an operator wherein in response to selecting and processing and automatic change takes place in response to at least one signal present at input.

Regarding *claim 3*, Eggers discloses everything claimed as applied above (see claim 1). Eggers discloses in figure 4 a mixer (54, and col. 6, lines 46-48) for mixing two different audio signals which are output via the multiplexer and preamplifiers, which reads on a mixing element, therein.

Regarding *claim 4*, Eggers discloses a dual audio program system (figures 1-4). Eggers' system discloses a plurality of audio devices coupled to a plurality of audio input jacks (32a-32e, col. 5, lines 21-30), which reads on a plurality of audio signal inputs; select buttons (18a or 18b, col. 4, lines 42-44), which reads on a selecting the audio signal which may be present at one of the said inputs; a multiplexer (41, col. 5, lines 45-55), which reads on processing said selected signal to provide a processed signal; a plurality of amplifiers (52, 53 and 55) coupled to speakers (40) in which two different audio signals may be output via the speakers, which reads on outputting said processed signal in a plurality of known forms; the audio system comprises display means (figures 1 and 2, col. 3, lines 61-67 and col. 4, lines 34-41) for displaying the selected signal and changes made therein and speakers (40) are provided for indicating the

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audible changes, which reads on monitoring said selected signal and said processed signal to provide audible or visible form.

Regarding *claim 5*, Eggers discloses everything claimed as applied above (see claim 4).

Eggers inherently disclose using parameters established by a manufacture or operator as evidence of the volume levels being preselected volumes (col. 1, lines 5-8) of devices that may be used in an automobile or television, wherein normally initial sound level have already been set to satisfy the criteria of the device, and wherein depending upon the set level of 1<sup>st</sup> selected device, the 2<sup>nd</sup> selected audio device will prompt to output a different level (col. 5, lines 56-67 and col. 6, lines 1-3), which reads on using parameters established in manufacture or by an operator wherein in response to selecting and processing an automatic change takes place in response to at least one signal present at input.

Regarding *claim 6*, Eggers discloses everything claimed as applied above (see claim 4).

Eggers discloses in figure 4 a mixer (54, and col. 6, lines 46-48) for mixing two different audio signals which are output via the multiplexer and preamplifiers, which reads on a mixing element, therein.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG *Lauralynne*  
March 21, 2004